

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSETT, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency rule is a correct copy as promulgated and adopted on the 17th day of July, 2015.

AGENCY NAME: Secretary of State

RULE NO. AND TITLE: 820-2-10-.23ER Eligibility to Receive and Return an Absentee Ballot by Electronic Transmission.

EFFECTIVE DATE OF RULE: July 17, 2015.

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY: This emergency rule is necessary to clarify who is eligible to receive and return an absentee ballot by electronic transmission for the Montgomery Municipal Election to be held on August 25, 2015, and Municipal Runoff Election to be held on October 6, 2015. The aforesaid election has been selected by the Secretary of State, in cooperation and with the approval of the City of Montgomery, to serve as a pilot project regarding the transmittal of blank absentee ballots and electronic return of the voted absentee ballots in preparation for the 2016 election cycle.

STATUTORY AUTHORITY: Code of Ala. 1975, §§17-11-40 et seq., 17-11-12.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES X NO

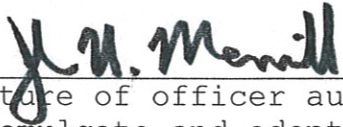
NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

REC'D & FILED

JUL 17 2015

LEGISLATIVE REF SERVICE

Jean Brown, Chief Legal Advisor
Office of the Secretary of State
State Capitol
Montgomery, AL 36104
(334) 272-7202


Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

FILING DATE
(For APA Use Only)

NEW

OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODE

820-2-10-.23ER Eligibility to Receive and Return an
Absentee Ballot by Electronic Transmission.

(1) Only the following voters are eligible to receive and return an absentee ballot by electronic transmission:

(a) A member of the uniformed services while in the active service, or an eligible spouse or dependent of such a member, who is a permanent resident of the state and is temporarily residing outside of the territorial limits of the United States and the District of Columbia, who is qualified and registered to vote as provided by law.

(b) A member of the Merchant Marine of the United States, or an eligible spouse or dependent of such a member, who is a permanent resident of the state and is temporarily residing outside of the territorial limits of the United States and the District of Columbia, who is qualified and registered to vote as provided by law.

(c) Any other citizen of the United States who is a permanent resident of the state and is temporarily residing outside of the territorial limits of the United States and the District of Columbia, who is qualified and registered to vote as provided by law.

(2) The absentee election manager shall determine the eligibility of the absentee voter to receive and return the absentee ballot by electronic transmission by evaluating the absentee ballot application submitted by said voter.

(3) If a voter requests to receive the absentee ballot by electronic transmission but the absentee ballot application does not provide sufficient information to determine the voter's eligibility to receive and return an absentee ballot by electronic transmission:

(a) The absentee election manager shall attempt to contact the voter and obtain supplemental information to determine the voter's eligibility to receive and return the absentee ballot by electronic transmission.

(b) Any supplemental information obtained by the absentee election manager shall be documented and kept with the original absentee ballot application.

(c) If the absentee election manager is unable to contact the voter to obtain supplemental information to determine eligibility and the only eligibility requirement that is in question relates to whether the voter is residing outside of the territorial limits of the United States and the District of Columbia, the absentee election manager shall consider the application prima facie evidence that the voter is eligible to receive and return the absentee ballot by electronic transmission and shall document said determination.

(4) If a voter requests to receive the absentee ballot by electronic transmission but the information available to the absentee election manager, either on the absentee ballot application or as provided by the voter as supplemental information, establishes that the voter is not residing outside of the territorial limits of the United States and the District of Columbia, the absentee election manager shall transmit the absent ballot by mail to the voter.

Author: Edward Packard, Jean Brown, William Sutton.

Statutory Authority: Code of Ala. 1975, §§17-11-40 et seq., 17-11-12.

History: New Rule: Filed July 17, 2015; effective July 17, 2015.